

1
2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE DISTRICT OF MASSACHUSETTS**

4 UNITED STATES OF AMERICA)

5)
6 Plaintiff)

7 vs.)

8 Nadine J. Griffin)

9 Defendant)

CASE NO. CR-05-10175-WGY

MANDATORY JUDICIAL NOTICE

10 Nadine J. Griffin, proceeding in special appearance, notices this court under authority of the
11 Federal Rules of Evidence -- F.R.E. 201(d)

12 I. This court is judicially noticed of the *Constitution of the United States of America*
13 including that esteemed document's mandate for due process requiring, *inter alia*, an impartial
14 trier of fact.

15 II. This court is further noticed of the *rule of precedent* most aptly expressed as "Even in
16 constitutional cases, courts have always required a departure from precedent to be supported by
17 some 'special justification.' "*United States v. International Business Machines Corp.*, 517 U.S.
18 843, 856 (1996), quoting *Payne v. Tennessee*, 501 U.S. 808, 842 (1991) (Souter, J., concurring)."

19 III. This court is noticed of the following precedents of the United States Supreme Court
20 wherein that court ruled and determined: (a). That the Sixteenth Amendment of the Constitution
21 conferred no new taxing powers on Congress that were not inherent in the Constitution from the
22 very beginning, and (b). that the income tax is an indirect tax in the nature of an excise tax
23 applying uniformly to revenue taxable activities. See *Stanton v. Baltic Mining Co.*, 240 U.S. 103,
24

112-113, *William E. Peck v. Lowe*, 247 U.S. 165, at page 172 (1918), and *Evans v. Gore* (06/01/20) 1920.SCT.40362, 3 U.S. 245, 64 L. Ed. 887, 40 S.Ct. 550 relying in part on *Eisner v. Macomber*, 252 U.S. 189.

IV. This court is additionally noticed of federal law making it a felony for an officer or employee of the United States to use their position extortionately, to wit:

26 Sec. 7214. Offenses by officers and employees of the United States

-STATUTE-

(a) Unlawful acts of revenue officers or agents

Any officer or employee of the United States acting in connection with any revenue law of the United States -

(1) who is guilty of any extortion or willful oppression under color of law; or (2) who knowingly demands

other or greater sums than are authorized by law, or receives any fee, compensation, or reward, except as by law

prescribed, for the performance of any duty; or(3) who with intent to defeat the application of any provision of this

title fails to perform any of the duties of his office or employment; or (4) who conspires or colludes with any other

person to defraud the United States; or (5) who knowingly makes opportunity for any person to defraud the United

States; or

(6) who does or omits to do any act with intent to enable any other person to defraud the United States; or (7) who

makes or signs any fraudulent entry in any book, or makes or signs any fraudulent certificate, return, or

statement;

or(8) who, having knowledge or information of the violation of any revenue law by any person, or of fraud

committed by any person against the United States under any revenue law, fails to report, in writing, such

knowledge or information to the Secretary; or (9) who demands, or accepts, or attempts to collect, directly or

indirectly as payment or gift, or otherwise, any sum of money or other thing of value for the compromise,

adjustment, or settlement of any charge or complaint for any violation or alleged violation of law, except as

expressly authorized by law so to do; shall be dismissed from office or discharged from employment and, upon

~~conviction thereof, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both.~~ The court may in its discretion award out of the fine so imposed an amount, not in excess of one-half thereof, for the use of the informer, if any, who shall be ascertained by the judgment of the court. The court also shall render judgment against the said officer or employee for the amount of damages sustained in favor of the party injured, to be collected by execution.

V. Revenue taxable activities verifying that Congress has enacted the laying and collecting of a tax include 26 U.S.C. §§ 4001, 4003, 4041, 4042, 4051, 4064, 4071, 4081, 4091, 4121, 4131, 4161, 4181, 4251, 4261, 4271, 4371, 4461, 4481, 4611, 4661, 4671, 4681, 4682, 4701, 4911, 4912, 4940, 4941, 4942, 4943, 4944, 4945, 4948, 4951, 4952, 4953, 4955, 4958, 4971, 4972, 4974, 4975, 4976, 4977, 4978, 4979, 4979A, 4980, 4980B, 4980C, 4980D, 4980E, 4981, 4982, 4999, 5000, 5001, 5041, 5051, 5701, and 5881.

VI. This court is finally noticed of the following adjudicative facts:

Affidavit

I, Nadine J. Griffin, of age and competent to testify, state as follows based on my own personal knowledge:

1. I am not in receipt of any documents which verifies that I have violated any of the revenue laws of the United States.
2. I am not in receipt of a statutory notice of deficiency for the years 1998 or 1999.
3. I am not in receipt of certified copy of a delegation order empowering Christopher Maietta to prosecute me for any alleged violation of the revenue laws of the United States.
4. I am not now, nor have I ever been, in the business of selling or distributing luxury passenger automobiles.
5. I am not now, nor have I ever been, in the business of selling or distributing special fuels.
6. I am not now, nor have I ever been, in the business of selling or distributing commercial transportation on inland waterways.

7. I am not now, nor have I ever been, in the business of selling or distributing heavy trucks and trailers sold at retail.
8. I am not now, nor have I ever been, in the business of selling or distributing "gas guzzlers."
9. I am not now, nor have I ever been, in the business of selling or distributing tires.
10. I am not now, nor have I ever been, in the business of selling or distributing gasoline or diesel fuel.
11. I am not now, nor have I ever been, in the business of selling or distributing aviation fuel.
12. I am not now, nor have I ever been, in the business of selling or distributing coal.
13. I am not now, nor have I ever been, in the business of selling or distributing vaccines.
14. I am not now, nor have I ever been, in the business of selling or distributing recreational equipment.
15. I am not now, nor have I ever been, in the business of selling or distributing firearms.
16. I am not now, nor have I ever been, in the business of selling or distributing communications.
17. I am not now, nor have I ever been, in the business of selling or distributing transportation by air.
18. I am not now, nor have I ever been, in the business of selling or distributing foreign insurance.
19. I am not now, nor have I ever been, in the business of selling or distributing harbor maintenance.
20. I am not now, nor have I ever been, in the business of selling or distributing chemicals as defined in the code of federal regulations.
21. I am not now, nor have I ever been, in the business of selling or distributing imported substances as defined in the Code of Federal Regulations.
22. I am not now, nor have I ever been, in the business of selling or distributing ozone depleting chemicals.
23. I am not now, nor have I ever been, in the business of selling or distributing information to influence legislation.
24. I am not now, nor have I ever been, in the business of selling or distributing lobbying services.
25. I am not now, nor have I ever been, in the business of selling or distributing investments generating investment income as defined in the Code of Federal Regulations.

- 1
- 2 26. I am not now, nor have I ever been, in the business of selling or distributing self-dealing private
- 3 foundations.
- 4 27. I have never failed to distribute income.
- 5 28. I am not now, nor have I ever been, in the business of selling or distributing investments which jeopardize
- 6 charitable purposes or private foundations.
- 7 29. I am not now, nor have I ever been, in the business of selling or distributing black lung trusts.
- 8 30. I am not now, nor have I ever been, in the business of selling or distributing black lung benefit trusts.
- 9 31. I have never had political expenditures relative to a 501(c)(3) organization.
- 10 32. I have never managed a benefit transaction which resulted in an excess benefit.
- 11 33. I have never failed to meet minimum funding standards relative to a benefit plan.
- 12 34. I have never been responsible for accumulations in a qualified retirement plan.
- 13 35. I have never failed or assisted, from a fiduciary standpoint, to deal appropriately with the tax liabilities of a
- 14 funded welfare benefit plan.
- 15 36. I have never failed or assisted, from a fiduciary standpoint, to deal appropriately with the tax on
- 16 dispositions by employee stock ownership plans or cooperatives.
- 17 37. I have never had excess contributions to any organization that I was allied with or involved with.
- 18 38. I am not now, nor have I ever been, in the business of selling or distributing qualified securities.
- 19 39. I am not now, nor have I ever been, in the business of issuing qualified long-term care insurance.
- 20 40. I have never assisted anyone in failing to meet funding requirements relative to group health plans.
- 21 41. I have never assisted anyone in failing to make comparable medical savings account contributions.
- 22 42. I am not now, nor have I ever been, in the business of selling or distributing regulated investments.
- 23 43. I am not now, nor have I ever been, involved in golden parachute payments.
- 24 44. I am not now, nor have I ever been, in the business of selling or distributing wine.
45. I am not now, nor have I ever been, in the business of selling or distributing beer.

46. I am not now, nor have I ever been, in the business of selling or distributing cigars, cigarettes, or other tobacco products.

47. I am not now, nor have I ever been, involved in greenmail.

State of Florida)

) subscribed and sworn

County of Pinellas)

On this 20 day, of July, 2005 A.D., Nadine J. Griffin personally appeared, personally known to me, OR proved to me on the basis of satisfactory evidence to be the one whose name is subscribed to within this instrument and who did take an Oath.

Witness my hand and official seal.

Adrian Stepp
Signature of Notary

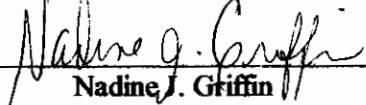
My Commission Expires March 2, 2009



Certificate of Mailing

I, Nadine J. Griffin, certify that July 20, 2005, I deposited Certified Mail Article #: _____, mailed a true and correct copy of the above and foregoing judicial notice to: Christopher Maietta, at:

1
2 Christopher Maietta
3 United States Attorney's Office
4 1 Courthouse Way
5 Suite 9200
6 Boston, Massachusetts 02210

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Nadine J. Griffin